

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION AT DAYTON**

Stephen E. Smith, :
Plaintiff, : Case No. 3:10-cv-98
- vs - : District Judge Thomas M. Rose
Magistrate Judge Michael R. Merz
City of Dayton Public Schools, et al., :
Defendants. :

ORDER ADOPTING REPORT AND RECOMMENDATIONS

The Court has reviewed the Supplemental Report and Recommendations of United States Magistrate Judge Michael R. Merz (Doc. #17) , to whom this case was referred pursuant to 28 U.S.C. § 636(b), and noting that no objections have been filed thereto and that the time for filing such objections under Fed. R. Civ. P. 72(b) has expired, hereby ADOPTS said Supplemental Report and Recommendations.

Accordingly, it is hereby ORDERED that Plaintiff's Title VII claims be DISMISSED without prejudice but without leave to amend and the balance of the case REMANDED to the Montgomery County Common Pleas Court.

June 7, 2010

**s/THOMAS M. ROSE*

Thomas M. Rose
United States District Judge